

STATE OF CONNECTICUT

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**TO:** Senate Co-Chair Catherine A. Osten  
House Co-Chair Toni E. Walker  
Senate Ranking Member Craig A. Miner  
House Ranking Member Mike France  
Honorable Members of the Appropriations Committee

**FROM:** Beverly K. Streit-Kefalas  
Probate Court Administrator

**RE:** H.B. No. 5037, An Act Adjusting the State Budget for the Biennium Ending June 30, 2023

**DATE:** February 16, 2022

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Thank you for the opportunity to offer testimony, and to answer questions you may have about the budget needs of the Probate Court system.

In his budget adjustments for Fiscal Year 2023 (FY23) announced last week, Governor Lamont recommended no change to the Probate Court system's authorized General Fund appropriation which is contained in the Judicial Branch proposed budget. For the biennium, consistent with the legislature's approval in the 2021 regular session, that appropriation is:

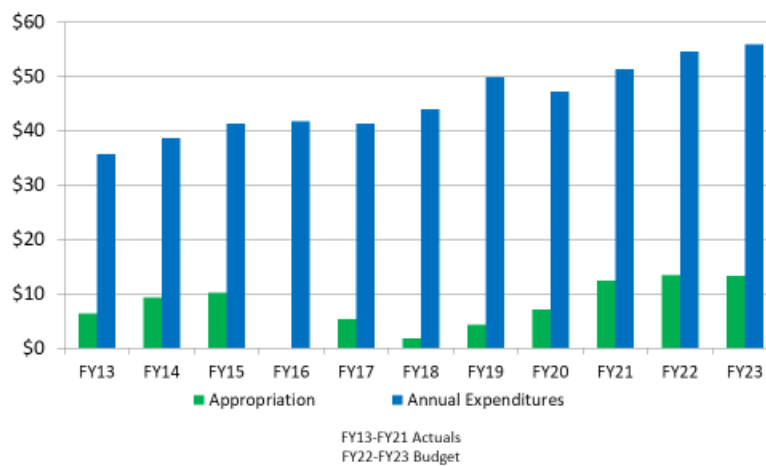
FY22 \$13.5 million  
FY23 \$13.4 million

The Probate Courts would like to express our appreciation for the Governor's support of the important work of Connecticut's 54 Probate Courts and six Regional Children's Probate Courts, and respectfully request that the Appropriations Committee affirm this commitment to the normalized general fund appropriations.

The Probate Court system is largely funded – in excess of 75% - from probate fee revenue, of which, the majority is derived from estate tax filings. The legislature's annual General Fund appropriation is necessary to offset the substantial cost of constitutionally mandated services to support indigent individuals and to ensure legal representation and access to Probate Courts for all.

The General Fund appropriation also provides a critical buffer against the volatility of probate fee revenue. When COVID-19 caused key tax filing deadlines to be extended and shutdowns across sectors, the General Fund appropriation stabilized our financial operations after steep revenue declines during the first several months of the public health emergency.

### General Fund Appropriation Compared to Annual Expenditures *(in millions)*



Connecticut Probate Courts

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### Probate Courts Subsidize State Services for the Poor

Connecticut law requires Probate Courts to find conservators for individuals who have no available family and to pay for the services of the conservator when the conserved person is indigent, which the Probate Courts subsidize. In addition, due process protections under the constitution mandate the Probate Courts pay for attorneys for low-income respondents.

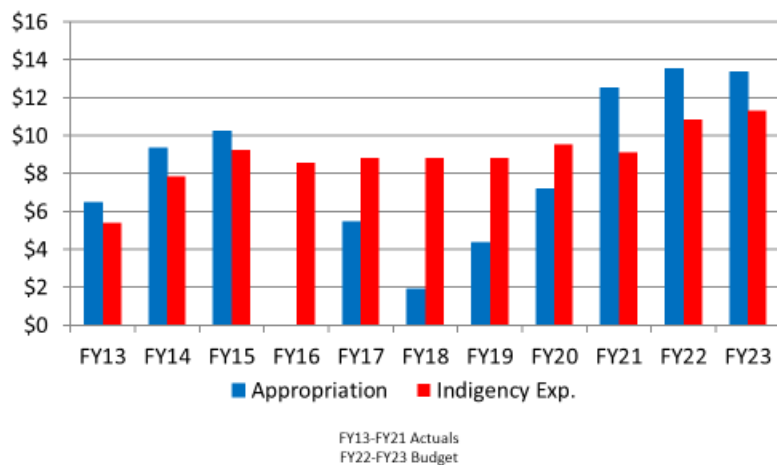
Over \$2 million of the Probate Court Administration Fund is allocated as direct grants to children and their guardians to help guardians pay expenses for children in their care.

The cost of these three mandates is projected to be as follows for FY23:

Conservators for indigent conserved persons	\$6.158 million
Attorneys for indigent parties	\$2.948 million
Kinship and Respite grants for children	\$2.100 million
<b>Total</b>	<b>\$11.206 million</b>

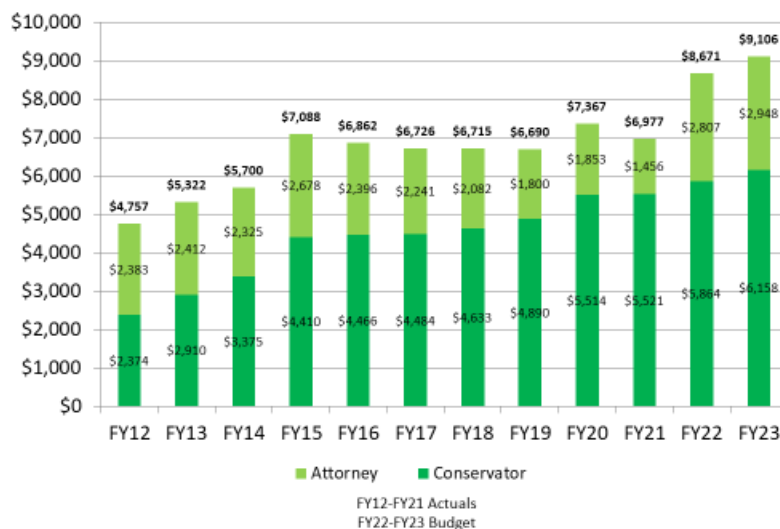
Mandated services include the right to court-appointed attorneys for respondents in certain proceedings, waiver of court filing fees for all indigent parties to ensure access to the courts, conservators, and attorneys to represent the interests of minors in custody and guardianship proceedings. The Probate Courts continue to subsidize constitutionally mandated services for indigent constituents.

## General Fund Appropriation/Utilization (in millions)



The volume of cases involving indigent respondents continues to grow; so does the amount we pay for court-appointed conservators and counsel to protect the rights of the individuals who come before us. About 44% of respondents in conserved cases in our system are indigent and each year our system adds another 4,000 conserved cases. The need for this General Fund appropriation is all too clear.

### Connecticut Probate Courts Conservator and Attorney Expenses For Indigent Persons (\$ in thousands)



### State Agency Savings from Probate Court Services

Every time the Probate Courts act on behalf of a vulnerable person, we save the state and its taxpayers money. With rising costs of care and living expenses, the savings to the state have also significantly grown.

The state saves **\$4.2 million a day** keeping individuals with mental illness at home with the intervention of a Probate Court instead of going to intensive inpatient care. The state saves **\$10,000 a year** each time a Probate Court places a child in guardianship with a relative instead of in foster care. The state saves **\$95,000 a year** for every case where a Probate Court keeps a senior aging in place at home with the support of a conservator instead of in a nursing home under Medicaid.

There is also significant intrinsic savings to the state from diverted intensive inpatient services by the Department of Mental Health and Addiction Services beyond the dollar savings. Meeting Connecticut citizens' mental and behavior health needs in their communities and on a preventive basis rather than reactive intensive crisis intervention carries a value to our state well beyond the measurable dollar value noted here. This intangible value is also noteworthy in maximizing the independent living of our elders and keeping children with their relatives and in familiar surroundings.

The current **taxpayer savings** of Probate Court involvement adds up to **more than \$2.16 billion annually**.

## **Probate Court Efficiency Measures**

The Probate Court system is a far leaner organization than 10 years ago. In 2011, the system consolidated from 117 courts to 54, implementing a regional structure that is often cited as a model for other services. This consolidation continues to save the state more than \$4.4 million annually.

The Probate Court system continues to increase efficiencies and maximize use of technology, consistent with the Governor's and General Assembly's vision to streamline state government services, simplify routine transactions, and provide excellent customer service. Our eFiling system launched statewide for all attorneys and was available to all individual parties to a probate matter on January 1, 2020. It provides secure access to case documents, filings, and party notice lists as well as online payment which allowed attorneys to conduct business seamlessly without physical presence in the courts even at peak surges of the coronavirus. This system complements the electronic document management system, a program that generates automated letters to remind fiduciaries when action is required, and an online billing system for conservators and attorneys that eliminates 25,000 paper invoices per year. These efforts enhance access to the courts and are consistent with the Governor's and the General Assembly's vision for streamlined, efficient and convenient state government services. We have further expanded the eFiling system and now the Department of Children and Families, the Department of Developmental Services, and the Office of the Attorney General are also utilizing this system. Expansion is in development with additional state agencies and other users of the court system.

## **Probate Courts Uninterrupted Service Throughout the Pandemic**

It is a point of immense pride that the Office of the Probate Court Administrator and the 54 Probate Courts and six Regional Children's Probate Courts continued in operation when the coronavirus pandemic was in its early stages in the state and throughout all subsequent surges in infection rates.

The public health emergency arising from the COVID-19 pandemic altered how the Probate Courts function as the safety net for the state's safety net. What never wavered was the Probate Courts' commitment to provide continuous service to the families and vulnerable individuals who count on us during what is often the worst of personal times regardless of the crisis of a pandemic. The grace, kindness and creativity of the judges and court staff in finding ways to safely provide service cannot be overstated.

The role of Probate Courts is changing dramatically. Once known for its administration of trusts and estates, more than half of the cases in the courts serve the critical needs of children, seniors, and individuals with cognitive impairments. A number of external factors – the mental health and opioid crisis, the aging of baby boomers, technology upgrades and rising employee costs - will continue to exert financial pressure on the Probate Court system.

Our state is fortunate to have a Probate Court system that delivers vital safety-net services to its most vulnerable citizens while saving state agencies billions of dollars per year. Our state is equally fortunate that the General Fund bears a mere fraction but a critical component of the cost of providing the services.

We respectfully urge the committee members to again support the Probate Court system General Fund appropriation of \$13.4 million in FY23.

Thank you for your consideration and continued support of the Probate Court system.